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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, GLADYS
ZEPEDA, MIRIAM ZAMORA, ALI
EL-BEY, PETER DIOCSON JR,
MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals,
KTOWN FOR ALL, an
unincorporated association;
ASSOCIATION FOR
RESPONSIBLE AND EQUITABLE
PUBLIC SPENDING, an
unincorporated association,

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity; DOES 1-7,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**DECLARATION OF JONATHAN
GIBSON**

Complaint Filed Date: July 18, 2019

Judge: Hon. Dale S. Fischer
Hearing Date: April 6, 2020
Time: 1:30 p.m.
Courtroom: 7D

DECLARATION OF JONATHAN GIBSON

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28 *Spending*

DECLARATION OF JONATHAN GIBSON

I, Jonathan Gibson, hereby declare and state as follows:

1. I am an attorney of law in the State of California at the Legal Aid Foundation of Los Angeles, and one of the attorneys for the plaintiffs in the above-captioned matter. I have personal knowledge of the facts set forth herein and could testify competently thereto if called as a witness. I make this declaration in support of Plaintiffs' Reply to the City's Opposition to Plaintiffs' Motion for Preliminary Injunction.

2. On March 23, 2020 I accessed the audio recording of the June 18, 2019 Los Angeles City Council Energy, Climate Change, and Environmental Justice Committee Meeting (hereinafter "Committee Meeting.") I accessed the City's library of City Council Committee Meetings at the Los Angeles City Counsel's website at <https://www.lacity.org/government/follow-meetings/council-committee-meetings>. I accessed the specific audio recording for the Committee Meeting by clicking the link that corresponded to the Committee Meeting at https://lacity.granicus.com/MediaPlayer.php?view_id=46&clip_id=19138. Based on the City Council's website, this is a link to a true and accurate audio recording of the Committee Meeting. Based on my search, the City Council's website did not contain a video recording of the Committee Meeting.

3. I listened to the audio recording of the Committee Meeting from approximately the 30:00 minute mark of the recording to the 1:04:00 mark. At the 32:04 mark of the Committee Meeting recording, a speaker identified himself as Enrique Zaldivar, and stated that he holds the position of Director and General Manager of LA Sanitation and Environment.

4. Later during the Committee Meeting recording at the 1:02:36 mark, the same voice that had identified himself as Enrique Zaldivar stated that "80% of the tonnage comes from illegal dumpings and 20% comes from homeless encampment cleanups." I recognized Mr. Zaldivar's voice from when he had earlier identified

1 himself and from the context of the questions that Committee members were asking
2 him.

3 5. I confirmed that it was Mr. Zaldivar who made the quote in Paragraph 4
4 of this Declaration from a Los Angeles Times article, available at.
5 [https://www.latimes.com/local/lanow/la-me-ln-homeless-encampment-cleanup-
7 dumping-bathrooms-trash-20190619-story.html](https://www.latimes.com/local/lanow/la-me-ln-homeless-encampment-cleanup-
6 dumping-bathrooms-trash-20190619-story.html). The article is entitled "L.A. Could
8 Overhaul How Homeless Encampments Are Cleaned" and was written on June 19,
9 2019 by Emily Alpert Reyes. The article identifies Mr. Zaldivar as a speaker at a
10 hearing at City Hall that week. The article states that "Zaldivar estimated that 80%
11 of the tonnage they clean up comes from illegal dumping." A true and correct
12 copy of the Los Angeles Times article is attached as Exhibit 1.

13 I declare under penalty of perjury under the laws of the United States that the
14 foregoing is true and correct.

15 Executed on March 23, 2020, in Long Beach, California.

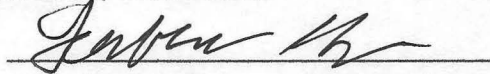
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17 Jonathan Gibson
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Exhibit 1

L.A. could overhaul how homeless encampments are cleaned

Faced with a chorus of frustration among Los Angeles residents, homeless activists and business groups, city officials say they want to overhaul how L.A. cleans up trash and filth surrounding homeless encampments that have sprung up on its streets.

At a hearing this week at City Hall, Sanitation Bureau chief Enrique Zaldivar laid out the plan: reorganizing and expanding its cleanup teams to provide more regular and consistent attention to encampments, bringing trash bins and mobile bathrooms to areas in need, and working together with homeless people to tidy up their encampments, including a pilot program to hire them for cleanup work.

The existing system, sanitation officials said in a report, has suffered from inconsistent deployment of cleanup teams and a dearth of basic infrastructure to protect public health at encampments. Councilman Paul Krekorian lamented Wednesday that the current system "has largely been a waste of money," as the same spots are cleaned and rapidly become filthy again.

A Times analysis found that between 2016 and 2018, requests to clean up homeless encampments had shot up 167% and continued to rise this spring. The question of how L.A. should handle such cleanups has only grown more pressing as the number of people on the streets has surged, rising 16% citywide this year.

"Too often, we hear that homeless encampment cleanups can inadvertently set people back on their pathway to housing through the accidental loss of key documents, or through the stress of unpredictable engagements with city

teams, which can lessen trust over time," the Sanitation Bureau said in a report.

Under the new system, they said, regionally assigned teams would return to the same encampments and neighborhoods over time, helping them build rapport with residents.

The hardest-hit areas would get regular, consistently scheduled cleanups and hygiene services. Sanitation workers would also get new training on mental health and homelessness, city staffers said.

Rise in homeless numbers prompts outrage and alarm across L.A. County »

Sanitation officials said they also wanted to step up surveillance so that they could investigate and enforce laws against illegal dumping, which has been rampant in some L.A. neighborhoods.

Zaldivar estimated that 80% of the tonnage they clean up comes from illegal dumping — much of it from scofflaw businesses — rather than homeless encampments.

As it stands, L.A.'s budget for the upcoming fiscal year — which begins in July — includes 212 positions on cleanup teams, according to a spokesman for Mayor Eric Garcetti.

Rolling out the plan will require L.A. leaders to approve 47 new positions, plus administrative costs, added equipment and supplies, at a total cost of over \$6 million, according to city officials. The boost would increase the number of cleanup teams from 20 to 30, they said.

Sanitation officials are also asking to allocate roughly \$4 million to fund overtime for existing crews in the first few months of the fiscal year.

Garcetti heralded the plan at a news conference Wednesday as "an even more nimble, flexible, targeted and sensitive approach to our streets." Right now, he said, Angelenos can lodge a request through the 311 system when they see trash piling up next to an encampment, but that "one-size-fits-all approach doesn't meet the needs of all of our neighborhoods."

Under the newly proposed system, he said, "we no longer just wait for you to call, in a reactive, case-by-case, complaint-driven model."

Instead, Garcetti said, regionally assigned teams will drive regular routes each day, checking on trouble spots, and get to know people in each neighborhood. City officials said that although 311 complaints would still be a factor, cleanups would be proactively scheduled to ensure more predictable and consistent service.

Councilman Curren Price, who joined Garcetti at the news conference along with council members Krekorian, Mike Bonin and Mitch O'Farrell, praised it as "a fresh start and a new approach to solving the unprecedented humanitarian crisis that affects every corner of our city," declaring that "our most vulnerable citizens have been living in conditions that frankly should not exist anywhere in the U.S."

Activists for the homeless have celebrated much of the plan as the culmination of longtime advocacy by the Los Angeles Community Action Network and other groups that have since joined in the Services Not Sweeps coalition. Many of the ideas reflected in the report, such as providing more trash bags and bathrooms for encampments, had been backed by those groups.

It is unclear whether police officers will still be on the cleanup teams, a major concern for those activists; Garcetti spokesman Alex Comisar said Tuesday that they are "still working through the details of LAPD involvement." Many activists were also concerned about the city enforcing rules that limit how

much personal property can be kept on the street.

"If criminalization is still there, many of the things you're proposing will be virtually meaningless," said Pete White, executive director of Los Angeles Community Action Network. "Because people won't trust the teams. The threat of your property being taken continues to be the stick."

Even if California spends millions more on homelessness, here's why few will notice »

Some business leaders, in turn, have questioned the adequacy of the plan. "This, while well-intentioned, is housekeeping service for encampments," Estela Lopez, executive director of the Downtown Industrial Business Improvement District, said in an email.

"Everything we're doing now represents, in my view, Band-Aids on a hemorrhage. ... We need 5,000 beds now. We need another 5,000 beds next month, and another 5,000 the next month," Lopez said. "Not apartments. Beds. That's the level of emergency we have on our hands."

Garcetti has faced simmering frustration over the homelessness crisis.

The same day that he trumpeted the cleanup plan, critics launched their effort to recall the mayor, citing the booming numbers of people on the street. Garcetti, asked about the recall effort by reporters, said Wednesday that "people know the difference between political games and actually doing the work — and I'm doing the work."

At a Tuesday meeting, council members peppered Zaldivar and other officials with questions about the plan.

Councilman Gil Cedillo asked how the city could ensure that bathrooms are provided around the clock, pointing out that "homelessness is not 9-to-5."

Krekorian asked city staffers to look into new efforts to address the sanitation needs of RVs.

Housing the homeless hits NIMBY wall in 'progressive' Venice »

Council members have not approved the proposed changes yet:
Councilwoman Nury Martinez asked sanitation officials to take more time to thoroughly brief each of the council members before they endorse the plan, saying that she believed that more discussion was needed to make sure they have the right approach.

What Angelenos see on the streets and sidewalks "is completely unacceptable," Martinez said. "And it's clear to me that the status quo is simply not working."

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